

## REMARKS

### SUMMARY OF TELEPHONE INTERVIEW

The applicant engaged in a telephone interview with the examiner on 02/20/07 to discuss the rejections in the final office action. In particular, the applicant explained that the rejection under 35 USC §102 should be withdrawn because King does not disclose at least two interfaces: a host interface; and a user-actuated signaling subsystem. The applicant referred to FIG. 1 of the specification which shows an embodiment of a peripheral data storage subsystem comprising a host interface 21 operable to communicate with a host system, and a separate user-actuated signaling subsystem 50. In contrast, King discloses a single interface, a host interface 141 shown in FIG. 3 operable to communicate with a host system.

The examiner appeared to agree with this distinction, but indicated Claim 1 did not sufficiently describe this limitation, particularly since the only reference to a host interface appeared in the claim preamble. Accordingly, the applicant has amended Claim 1 so that the host interface now appears in the body of the claim, together with the description of the user-actuated signaling subsystem.

### REJECTION UNDER 35 USC § 102

The examiner rejected claims 1, 2, 13, 18 and 19 under 35 U.S.C. § 102(e) as anticipated by King (US 7,013,336). The applicant respectfully disagrees.

King does not disclose every element recited in Claim 1, and in particular, King does not disclose or suggest at least two interfaces: a host interface; and a user-actuated signaling subsystem. Referring to applicant's specification, FIG. 1 shows an embodiment wherein the peripheral data storage subsystem comprises at least two interfaces, a host interface 21 operable to communicate with a host system, and a separate user-actuated signaling subsystem 50. In contrast, King discloses a single

interface, a host interface 141 shown in FIG. 3 operable to communicate with a host system. The rejection should therefore be withdrawn.

REJECTION UNDER 35 USC § 103

The examiner rejected claims 3-9 under 35 U.S.C. § 103(a) as unpatentable over King in view of Suzuki et al. (US 2005/0128626). The rejection should be withdrawn for at least the reasons set forth above, as Suzuki does not disclose those limitations in Claim 1 that are not disclosed in King.

The examiner rejected claims 10-12 and 14-17 under 35 U.S.C. § 103(a) as unpatentable over King. The applicant respectfully disagrees.

Regarding claims 10-12 and 15-17, King does not disclose a peripheral data storage system that includes a user-actuated signaling subsystem (as described above), let alone to receive a user-inputted request through the user-actuated signaling subsystem to perform a task, such as mounting and dismounting, a host-scheduled backup operation, or an on-demand backup operation. The examiner asserts these limitations are inherently obvious because the tasks are well known in the art of peripheral storage subsystems. However, the mere fact that the tasks are well known does not mean that receiving a user-inputted request through a user-actuated signaling subsystem to initiate one of the tasks is well known. The examiner should identify specifically where the prior art discloses or suggests this limitation, or withdraw the rejection.

Regarding claim 14, the examiner asserts that the recited "handshaking" between the peripheral storage subsystem and host would have been obvious to a person of ordinary skill in the art. However, as described above, King does not disclose

a peripheral storage subsystem including a user-actuated signaling subsystem, let alone to communicate a signal received through the user-actuated signaling subsystem to a host, or to receive an acknowledgement signal from the host. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." (In re Fritch 972 F.2d 1260; 23 U.S.P.Q.2D (BNA) 1780 (1992).)

The rejections of the remaining claims should be withdrawn for at least the reasons set forth above.


**CONCLUSION**

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: 3/13/07

By:   
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

3/13/07      Howard H. Sheerin  
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